

11-21-01

Re-Amdt A/#7
2/6/1970

Practitioner's Docket No. : MPI1998-067CP2CN1A(M) **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Sophie Lehar, Stephen Manning, Anthony J. Coyle, Jose-Carlos Gutierrez-Ramos

For (title): **NOVEL TH2-SPECIFIC MOLECULES AND USES THEREOF**

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Box Patent Application, Assistant Commissioner for Patents, 2900 Crystal Drive, Arlington, VA 22202 Washington, D.C. 20231.
37 C.F.R. Section 1.8(a) **37 C.F.R. Section 1.10***

- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Address"
Mailing Label No. EL791759296US
(mandatory)

Date: November 20, 2001

Sean Hunziker
Signature
(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(New Application Transmittal--page 1 of 5)

2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s).
09/413,136 filed October 6, 1999.

3. **Relate Back** ~~35~~ **U.S.C. Sections 120, 121 and 365(c)**

- ☒ Amend the specification by inserting, before the first line, the following sentence:

A1 "This application is a continuation of copending application number 09/413,136 filed October 6, 1999."

- ☒ "The nonprovisional application designated above, namely application 09/413,136, filed October 6, 1999, is a continuation-in-part application of copending U.S. Patent Application No.: 09/258,670 filed February 26, 1999, which is a continuation-in part application of copending U.S. Patent Application No.: 09/168,229 filed October 7, 1998.

- ☒ Where more than one reference is made above please combine all references into one sentence.

4. **Maintenance of Copendency of Prior Application**

- A. ☒ Extension of time in prior application

- ☒ A petition, fee and response extends the term in the pending **prior** application until November 22, 2001.

- ☒ A **copy** of the petition filed in prior application is attached (2 pages).

- B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.

- ☐ A **copy** of the conditional petition filed in the prior application is attached.

5. **Abandonment of Prior Application** *(if applicable)*

- ☒ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

6. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. Section 120.

7. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

94 Pages of Specification, including
87 Pages of Description
06 Pages of Claims
01 Page of Abstract
11 Sheets of Drawings (Figures 1-11)

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

☐ Formal
☒ Informal

8. Additional Papers Enclosed

- ☒ Information Disclosure Statement (37 C.F.R. Section 1.98) (3 pages)
- ☒ Form PTO-1449 (PTO/SB/08A (1 page) and 08B (2 pages))
- ☒ Citations (9 references)
- ☐ Declaration of Biological Deposit
- ☒ 48 pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823), Diskette containing computer readable form of Sequence Listing (37 CFR Section 1.821(e) and 1.824) and 1 page of Transmittal Letter for Diskette containing computer readable form of Sequence Listing (37 CFR Section 1.821(f))
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other: Preliminary Amendment (5 pages), Transmittal of Information Disclosure Statement within Three Months of Filing or Before Mailing of First Office Action (1 page)

9. Declaration or Oath (including power of attorney)

- ☒ (4 pages) A Declaration and Power of Attorney executed by inventors Sophie Lehar, Stephen Manning, Anthony J. Coyle and Jose-Carlos Gutierrez-Ramos, was filed in the parent application 09/413,136, a copy of which is enclosed.

(2 pages) A Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney executed by Scott A. Brown, Associate General Counsel and Chief Patent Counsel, Millennium Pharmaceuticals, Inc. and filed in the parent application 09/413,136 on July 26, 2001, a copy of which is enclosed.

☐ Not Enclosed.

10. Assignment

☒ An assignment of the invention to Millennium Pharmaceuticals, Inc. was filed in parent application 09/413,136 recorded February 15, 2000 at Reel/Frame 010612/0906 a copy of which

☒ is enclosed (7 pages).

☐ will follow.

11. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

| CLAIMS AS FILED | | | | | |
|---|-------------------|------------------------|-----------------|---------|--|
| Claims | Numbered Filed | Basic Fee Allowance | Number Extra | Rate | Basic Fee 37 C.F.R. Section 1.16(a) \$740.00 |
| Total Claims (37 C.F.R. Section 1.16 (c)) | 20 | - 20 = 0 | x | \$18.00 | 0 |
| Independent Claims (37 C.F.R. Section 1.16(b)) | 3 | - 3 = 0 | x | \$84.00 | 0 |
| Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d)) | 0 | + 280.00 | | | 0 |

☒ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation

\$740.00

12. **Method of Payment of Fees**

☐ Check in the amount of \$_____.

☒ Charge Account No. 501668 in the amount of \$740.00.
A duplicate of this transmittal is attached.

13. **Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).

☐ 37 C.F.R. Section 1.17 (application processing fees)

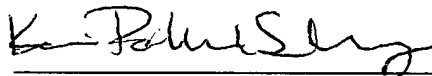
☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

14. **Instructions as to Overpayment**

☒ Credit Account No. 501668.

☐ Refund

20 Nov, 2001



SIGNATURE OF PRACTITIONER

Kerri Pollard Schray, Reg. No. 47,066
(type or print name of practitioner)

Millennium Pharmaceuticals, Inc.
P.O. Address

75 Sidney Street

Cambridge, MA 02139

Telephone (617) 551-3676

Facsimile: (617) 551-8820

☒ **Statement Where No Further Pages Added**

☒ This transmittal ends with this page.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sophie Lehar et al
Application No.: 09/413,136 Group No.: 1644
Filed: October 6, 1999 Examiner: M. Tung
For: NOVEL TH2-SPECIFIC MOLECULES AND USES THEREOF

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT, PETITION AND FEE FOR EXTENSION OF TIME
TO MAINTAIN PARENT CASE THAT IS TO BE ABANDONED
WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT

1. The amendment in this case is a *bona fide* attempt by applicant to respond and to advance this application to final action. It comprises a separately filed continuation application.

A copy of this amendment and petition is being filed with the papers constituting the filing of the separately filed application.

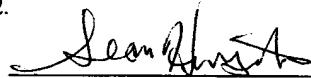
2. This is a petition under 37 C.F.R. section 1.136(a) for an extension of time to respond to the Office Action mailed May 22, 2001.

CERTIFICATION UNDER 37 C.F.R. SECTION 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this paper is being deposited with the United States Postal Service on this date November 20, 2001, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EK674856012US, addressed to the: Assistant Commissioner for Patents, 2900 Crystal Drive, Arlington, VA 22202.



(type or print name of person mailing paper)

Sean Hunziker

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. section 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

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T002T"545860

3. Please abandon this application conditioned upon the granting of the petition and the granting of a filing date to the continuing application, so as to make the continuing application copending with this application. (*Notice of May 13, 1983, 1031 O.G. 11-12*).

4. Applicant is other than a small entity.

5. Extension requested

The proceedings herein are for a patent application and the provisions of 37 C.F.R. section 1.136 apply.

Applicant petitions for an extension of three months time under 37 C.F.R. section 1.136(a).
(fees: 37 C.F.R. section 1.17(a)(1)-(4)).

Fee: \$920.00

If an additional extension of time is required, please consider this a petition therefor.

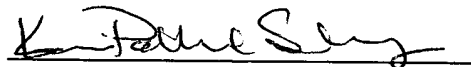
6. Fee Payment

Charge Account No. 501668 the sum of \$920.00.
A duplicate of this transmittal is attached.

7. Fee Deficiency

If any additional extension and/or fee is required, charge Account No. 501668.

Date: 20 Nov 2001



Kerri Pollard Schray
Registration No. 47,066
Agent for Applicants
Millennium Pharmaceuticals, Inc.
75 Sidney Street
Cambridge, MA 02139
Telephone: 617-551-3676
Facsimile: 617-551-8820

09989545-14001
FOOT-456660



November 22, 2001

Assistant Commissioner for Patents
2900 Crystal Drive
Arlington, VA 22202

Re: U.S. Patent Application Serial No. 09/413,136
Title: NOVEL TH2-SPECIFIC MOLECULES AND USES THEREOF
Inventor: Sophie Lehar et al
Filed: October 6, 1999
Attorney Docket No.: MPI1998-067CP2(M)

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Transmittal Letter (in duplicate);
2. Request for Three-Month Extension of Time (in duplicate);
3. Change of Attorney Docket Number; and
4. Return Postcard.

Please charge any necessary fees to our Deposit Account No. 501668. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

CERTIFICATE OF EXPRESS MAIL

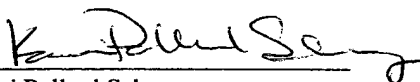
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Signature

Sean Hunziker
Please Print Name of Person Signing

MILLENNIUM PHARMACEUTICALS, INC.

By 
Kerri Pollard Schray
Registration No. 47,066
Agent for Applicants
75 Sidney Street
Cambridge, MA 02139
Telephone - 617-551-3676
Facsimile - 617-551-8820

KPS/sc
Enclosures

09989545-12001
F00277-5456012US